

**MINUTES OF THE ST. MARY'S COUNTY BOARD OF APPEALS MEETING  
ROOM 14 \* GOVERNMENTAL CENTER \* LEONARDTOWN, MARYLAND  
Thursday, October 14, 2004**

Present: Marie Underwood, Chairperson  
George Allan Hayden, Vice Chair  
Greg Callaway, Member  
Ronald C. Delahay, Member  
Michael Hewitt, Member  
John B. Norris, III, County Attorney  
Denis Canavan, Director, Department of Land Use & Growth  
Management  
Yvonne Chaillet, Planner III, LUGM  
Sharon Sharrer, LUGM Recording Secretary

Present as an observer was the Board's Second Alternate, David Wayne Miedzinski. A sign-in sheet is on file in the Department of Land Use & Growth Management (LUGM). All participants in all cases were sworn in. The Chair called the meeting to order at 6:32 p.m.

**PUBLIC HEARING**

**CUAP #04-132-009 – NEW MARKET PARK & RIDE LOT**

Requesting Conditional Use approval pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to construct a Park & Ride lot. The property contains 7 acres, is zoned Rural Preservation District (RPD), and is located on the northeast corner of the intersection of MD Route 5 and MD Route 6 in New Market, Maryland; Tax Map 4, Block 16, Parcel 56.

Owner: County Commissioners of St. Mary's County  
Present: MaryAnne Polkiewicz, Maryland Transit Administration  
(MTA)  
Ernie Baisden, MTA, Manager of Project Development  
David Feske, Jacobs Civil, Inc., Consultant on project  
Serese Scott, Jacobs Civil, Inc.

Exhibit A-1 Email dated 8/14/04 from Mike Hewitt with questions for MTA  
Exhibit A-2 Email dated 8/16/04 from MaryAnne Polkiewicz to acknowledge receipt of questions  
Exhibit A-3 Email dated 10/8/04 from MaryAnne Polkiewicz answering questions from 8/14/04 email

A public hearing was held on August 12, 2004. At that meeting, the Board granted a continuance until October 14, 2004 to allow the applicant time to address the traffic concerns of the Board members.

Ms. Polkiewicz explained that additional data has been collected since the 8/12/04 hearing. MTA has been to the site on two different evenings and one morning, during peak hours, to do traffic counts at the intersection of MD Route 5 and MD Route 6. Mr. Feske explained that they also looked at bus schedules and bus ridership, to update their analysis based on the latest information available. There were two further meetings with State Highway Administration (SHA) and Department of Public Works & Transportation (DPW&T) to review the results of the additional analysis and to discuss the proposals worked out jointly with SHA and DPW&T to address these issues.

The mitigation measures addressed in the staff report are expected to get the level of service at the intersection to the same level of service the intersection would have without the addition of the park and ride lot in that location. In recent meetings, SHA expressed a concern with the backups southbound on MD Route 5 turning left onto eastbound MD Route 6. MTA has agreed to extend the left turn storage lane on southbound MD Route 5, later noted as option 1. Other improvements were considered, especially along the median portion of MD Route 6 between the northbound and the southbound lanes of MD Route 5. According to the analysis done, the necessary road widening which would be required to go along with this possible improvement would not improve the level of service at the intersection, but would add significant cost to the project.

The Chair opened the hearing to public comment.

Robert Gleske, a resident of the Golden Beach area, spoke in support of the proposed New Market site. He said that this site is better for the community as a whole than a site in the Golden Beach area.

The hearing was closed to public comment.

**Mr. Callaway moved, and Ms. Underwood amended, that having made a finding that the Conditional Use Standards of Section 25.6 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the Board grant Conditional Use approval for a commercial parking facility pursuant to Chapter 25 of the St. Mary's County Comprehensive Zoning Ordinance, subject to the conditions stated in the staff report and with the condition that the lane structure be as depicted on option 1. The motion and amendment were seconded by Mr. Delahay and passed by a 3-2 vote.**

#### **ZAAP #99-0093 – MCINTOSH SUBDIVISION APPEAL**

Pursuant to Section 66.1 of the St. Mary's County Zoning Ordinance, adopted August 1, 1990, appeal of the St. Mary's County Planning Commission's February 28, 2000 decision to approve Section I, Phase I and the phasing plan for McIntosh Subdivision. The property contains 792.836 acres, is zoned Rural Preservation District (RPD), and is located on the west side of McIntosh Road approximately 3,800 feet southeast of MD Route 235 in Hollywood, MD; Tax Map 19, Block 18, parcel 59.

Owner: Robert S. Gollahon  
Present: Gorman E. Getty, III, representing Robert Gollahon  
Heidi Dudderar, Assistant County Attorney, representing St.  
Mary's County  
Joseph R. Densford, representing the Board of Appeals

This public hearing was duly advertised and receipts from certified mailings are on file at LUGM.

County Attorney, John B. Norris, III left the hearing to avoid any appearance of a conflict of interest.

It was determined prior to the hearing that the focus of this case for the meeting on October 14, 2004 would be the appropriate procedures and scope of the remand to the Board, in light of the Court of Special Appeals' ruling. The Board of Appeals made the decision to hear the McIntosh Subdivision Appeal themselves, rather than remanding the appeal back to the Planning Commission. The decision was made that the applicant's case will be heard first, and will be followed by the County's presentation of their case. Video tapes from the previous hearing, and

the court order, will be studied by the Board members prior to the beginning of the evidentiary hearing. The appeal has been scheduled to begin at 6:30 p.m. on the following dates:

Tuesday, December 7, 2004,  
Wednesday, December 8, 2004, and  
Thursday, December 9, 2004

An alternate site was given as the Higher Education Facility at the airport, in case Room 14 of the Governmental Center is not available on Tuesday, December 7, 2004.

#### **ACTIONS TAKEN BY PLANNING DIRECTOR ON VARIANCE APPLICATIONS RECEIVED FOR ADMINISTRATIVE REVIEW**

**VAAP #03-3046 – MARK ROY** – 0.87 acres – Variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to construct a septic system and single-family dwelling in the expanded Critical Area Buffer and variance from Section 71.7.3 of the St. Mary's County Comprehensive Zoning Ordinance to disturb slopes of 15% or greater in the Critical Area. Variance approved with conditions that the location of the house is moved to the front building restriction line and the critical area planting agreement is followed.

**VAAP #04-1150 – JAMES WIBLE** – 1.5 acres – Variance from Section 71.7.3 of the St. Mary's County Comprehensive Zoning Ordinance to disturb slopes of 15% or greater in the Critical Area and variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to construct a single-family dwelling and appurtenances in the expanded Critical Area Buffer. Variance approved.

**VAAP #03-0830 – MARSHALL LUDLOW** – 1.0 acres – Variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to construct a replacement single-family dwelling and appurtenances in the expanded Critical Area Buffer. Variance approved.

**VAAP #04-1241 – JOHN & FLORA WOODWARD** – 0.526 acres – Variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance to increase the amount of impervious surface in the Critical Area Buffer with an addition to a single-family dwelling. Variance approved.

#### **DISCUSSION**

##### **2005 MEETING SCHEDULE**

The Board accepted the 2005 calendar as presented.

##### **ELECTION OF OFFICERS**

Ms. Underwood reminded the Board members that an election of officers would be held in December.

#### **MINUTES AND ORDERS APPROVED**

The minutes of September 9, 2004 were approved as recorded.

The Board authorized the Chairman to review and sign the orders. The Chair reviewed and approved as submitted the following Orders:

**VAAP #03-1567 – Brubacher Subdivision**  
**CUAP #04-132-016 – Loveville Produce Auction**  
**VAAP #04-0408 – Breton Beach Subdivision**  
**VAAP #03-2779 – Carbone Properties**

**ADJOURNMENT**

The meeting was adjourned at 8:36 p.m.

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Sharon J. Sharrer  
Recording Secretary

Approved in open session: November  
18, 2004

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Marie E. Underwood  
Chairperson